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# MEMORANDUM

May 14, 2020

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Solar Carports - Proposed Amendment to the SD(Harada) Zone CODE-04-20-5845  
 Amend Title 21, Chapter 19 – Special Development (SD)  
 Districts, Section 14 – SD(Harada), of the Sandy  
 Municipal Code

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**HEARING NOTICE:** *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
Ord#96-10	On April 16, 1996 the SD(Harada) zone was created (approved by City Council) to accommodate the annexation of the land associated with the Overlook at Union Point subdivision.
S#96-27	Overlook at Union Point subdivision was approved as a commercial subdivision.
S#01-06	On May 3, 2001 the Planning Commission approved the Overlook at Union Point Amended Plat. This action divided the existing lot 3 into two lots – lot 3A and 3B.
SPR-10-15-4708 SUB-10-15-4707	Union Creek Office buildings and a related amended plat to create a new commercial lot were approved to develop a new office building during the December 5, 2015 Planning Commission meeting.

## REQUEST

Intermountain Wind and Solar, representing the property owner (Dr. Kirk Moore with Lago Maggiore-Union Creek, LLC) that owns a parcel within the area zoned SD(Harada), has submitted an application for a code amendment to the existing SD(Harada) Special Development District. The proposal would amend Title 21, Chapter 19 – Special Development (SD) Districts, Section 14 – SD(Harada), of the Sandy Municipal Code. The existing SD Zone affects approximately 23.49 acres

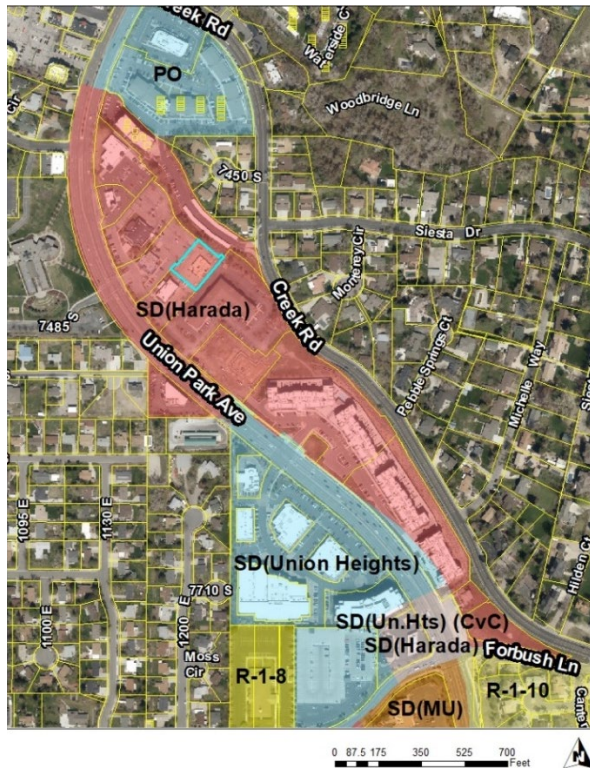


Figure 1 - Zoning Map

located at along Union Park Avenue (see zoning map). The proposed code change would allow for the office building to have carports built where the current code would prohibit.

### BACKGROUND

In 1996, the SD(Harada) Zone was developed specifically for this site and is not used in any other location (See Figure 1 – Zoning Map). The purpose of this SD Zone is expressed in the code:

Sec. 21-19-14. - SD(Harada)—7575 S. Union Park Avenue.

(a) *Purpose.* The purpose of this zone is to provide an area of professional and business offices, non-retail services, restaurants, and other uses not including merchandising, warehousing, and manufacturing, with business hours consistent with those of contiguous property. Developments shall have architecture that is compatible with residential uses. All site plans for proposed development shall be reviewed and approved by the Planning Commission.

### ANALYSIS

The Planning Commission must review the following criteria when considering a requested Code Amendment:

Is the change reasonably necessary?

Is it in the public interest?

Is it in harmony with the objectives and purposes of the future development of Sandy City?

Is the change consistent with the General Plan?

The applicant's request letter does not state how the requested code amendments meet these criteria. Staff believes that the intent of the proposed amendment meets the criteria mentioned above. Their request can be viewed in context of this section of code in Exhibit "A" (changes shown in red). Their application also includes a conceptual site plan indicating where they would like to place these solar carports in relation to the recently constructed office building (see Figure 2). These locations would not be approved as these structures do not meet the minimum setbacks for the zone. These are shown to be placed with a five-foot (5') setback on the north side and a zero (0) setback on the rear property line (east side).

While staff agrees with the intent of their request, the language of the proposed amendment could be simplified and modified to make it consistent with best practices and in harmony with other sections of the Land Development Code. Staff's recommended version can be found in Exhibit "B" (changes shown in red).

Carports are regulated as accessory structures in section 21-11-2(b), Nonresidential Standards. A solar carport would not be considered "ground mounted" but would be considered "attached to the building" and be regulated as such in section 21-11-22 – Solar Equipment.

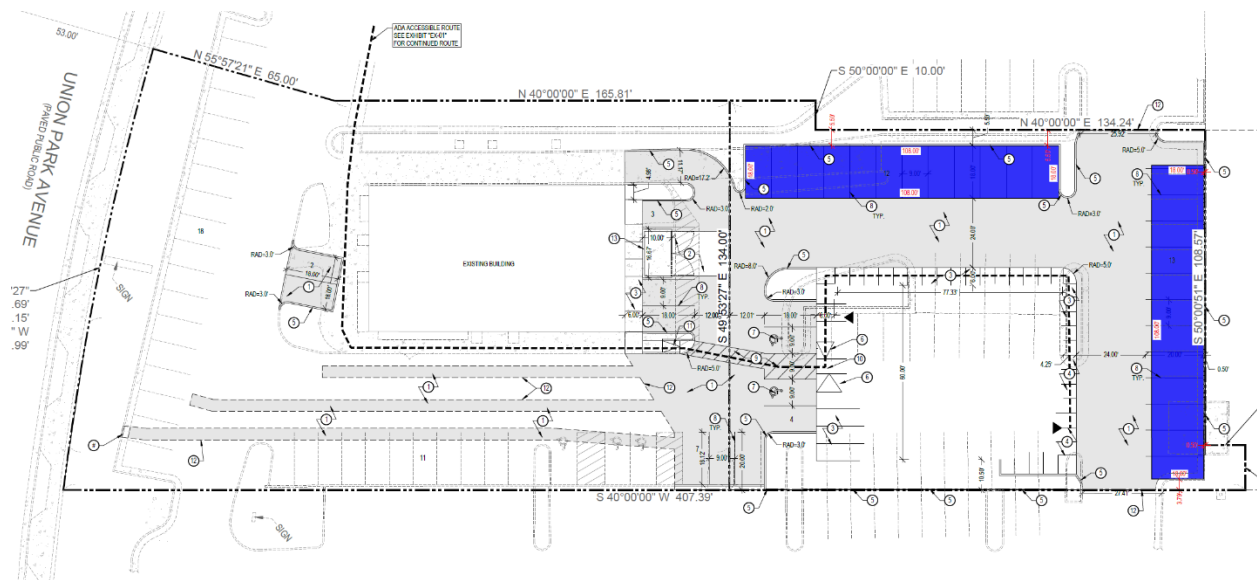


Figure 2 - Conceptual Site Plan - Solar Carports Shown in Blue

Staff believes that our proposed code change in Exhibit “B” would satisfy the intent of the applicant’s request and allow them to construct the solar carports as they desire. It is important to note that these proposed changes will not change any requirements of the building code.

### NON-CONFORMING USES

This Code Amendment would not create any non-conforming use situations.

### LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

Sec. 21-1-3. - Purpose and Scope.

(a) *Purpose.* The ordinance from which this title is derived is adopted to implement the Sandy City’s General Plan and to promote public health, safety, convenience, aesthetics, and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this title is established to promote the following purposes:

(1) *General.*

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well-being of Sandy City and its inhabitants.

(2) *Implementation of General Plan.* To coordinate and ensure the implementation of the City’s General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

(3) *Comprehensive, Consistent and Equitable Regulations.* To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

(4) *Efficiently and Effectively Managed Procedures.*

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

### **GENERAL PLAN COMPLIANCE**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed Code Amendment will facilitate the orderly growth and development of Sandy City. These regulations would help promote the health, safety, and welfare of our residents.

### **STAFF RECOMMENDATIONS**

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "B", attached, for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 21-1-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Mike Wilcox  
Zoning Administrator